

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERIK LYBARGER, :
Petitioner :
v. : Case No. 3:14-cv-40-KRG-KAP
KEN CAMERON, WARDEN, :
S.C.I. HOUTZDALE, :
Respondent :

Report and Recommendation

Petitioner's "Motion To Reopen Writ ..." at docket no. 24, which I consider to be a motion under Fed.R.Civ.P. 60(b), was referred to me under 28 U.S.C. § 636(b)(3). The motion should be denied.

The Rule 60 motion follows by several months an unsuccessful motion under Rule 59. It has no merit, and duplicates the arguments made at petitioner's most recent petition at Case No. 3:15-cv-89-KRG-KAP (W.D.Pa.).

Pursuant to 28 U.S.C. § 636(b)(1), the parties are given notice that they have fourteen days to serve and file written objections to this Report and Recommendation.

DATE: 11/11/2015

KEITH A. PESTO
Keith A. Pesto,
United States Magistrate Judge

Notice to counsel of record by ECF and by U.S. Mail to:

Erik Lybarger LB-2565
S.C.I. Houtzdale
P.O. Box 1000
Houtzdale, PA 16698-1000